

**REMARKS**

Claims 1-22 are pending in the application. Claim 8 has been canceled. Claims 7, 9, 13, and 15 have been amended. Reconsideration and allowance is hereby respectfully requested in light of the following amendments and remarks. This response follows the revised amendment format promulgated January 31, 2003 which waives the current requirement of 37 C.F.R. §1.121 for both a clean and marked up version of amendments.

**Rejections under 35 U.S.C. §112**

Claim 15 stands rejected under the second paragraph of §112 as including an element with an insufficient antecedent basis. This claim has been amended to correct “the application” to “an application.”

**Rejections under 35 U.S.C. § 102**

Claims 1-6 and 15-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Meltzer et al. (US 6,125,391) in view of Elleson et al. (US 6,101,541). As the PTO recognizes in MPEP §2143, “[t]o establish a prima facie case of obviousness, . . . the prior art reference (or references when combined) must teach or suggest all the claim limitations.” It is submitted that the Office action does not factually support a prima facie case of obviousness based on these references for the following reasons.

Each of the independent claims 1, 15, and 18 teach the use of a directory or a distributed directory. However, as the Examiner correctly observes, Meltzer does not teach the use of a directory. Meltzer “operate[s] in a publish and subscribe architecture” (col. 25, line 59; col. 82, line 8) which is different and distinct from the Applicant’s directory based architecture. Unlike the prior art which is directed toward the publication of data, claim 1 provides “a method for interfacing a directory to an application.”

Elleson teaches communicating between a directory server and client nodes using a standard access protocol (col. 5, line 52-62). Elleson does not contemplate converting or transforming data from a myriad of application formats into a single directory format and visa versa. Because Meltzer limits its teaching to the publishing of documents, and Elleson is directed towards the unrelated field of non-transformative synchronization of databases with client nodes, there is no motivating force which would impel one skilled in the art to attempt to combine Meltzer with Elleson. As the PTO recognizes in MPEP §2142, “. . . the examiner must step backward in time and into the shoes worn by the hypothetical ‘person of ordinary skill in the art’ when the invention was unknown and just before it was made. . . . The

examiner must put aside knowledge of the applicant's disclosure, refrain from using hindsight, and consider the subject matter claimed 'as a whole.'" The Examiner has not provided any evidence showing why one skilled in the art would have combined a method of transforming publications with a no-transformative method of synchronizing directories. Any suggestion to do so is only provided by the Applicant, and using the claimed invention as an instruction manual or template to piece together the teachings of the prior art in a hindsight reconstruction is improper. Respectfully, the Examiner has not made out the prima facie case of obviousness required under §103. Therefore, the rejection as to independent claims 1, 7, 15, and 18 should be withdrawn. Because claims 2-6, 16, 17, and 19-22 depend from and further limit the independent claims, they too are deemed allowable.

Claims 7-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Meltzer et al. (US 6,125,391) in view of Ellesson et al. (US 6,101,541) further in view of Bayeh et al. (US 6,012,098). For the reasons outlined above, persons skilled in the art would not combine Meltzer and Ellesson. As the PTO recognizes in MPEP §2143, "[t]o establish a prima facie case of obviousness, . . . the prior art reference (or references when combined) must teach or suggest all the claim limitations." Independent claim 7, as amended, teaches the use of an XSLT processor "for transforming XML data to the first predetermined format and . . . the third predetermined format." It does not require, as Bayeh does, that only a single predetermined format, HTML, be used. Thus the Applicant's invention, as amended, would not read on the combination of Meltzer, Ellesson, and Bayeh. Furthermore, Bayeh is directed toward the presentation of documents, not the use of a distributed directory as taught in claim 7. Any combination of Meltzer, Ellesson, and Bayeh would be desirable only in hindsight, in light of the Applicant's invention. Therefore, it is respectfully submitted that the rejection as to independent claim 7 should be withdrawn. Claims 9-14 depend from and further limit claim 7, and are, likewise, in a condition for allowance.

#### Conclusion

Therefore it is respectfully submitted that independent claims 1-22 are in a condition for allowance.

Should the Examiner deem that amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,



David M. O'Dell  
Registration No. 42,044

Dated: February 27, 2003  
HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Telephone: 972-739-8635  
Facsimile: 972-692-9118  
File: 26530.6  
42213\_1.DOC

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231	
on	<u>February 28, 2003</u>
	<u>Gayle Conner</u>